

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA : CONSENT PRELIMINARY ORDER
- v. - : OF FORFEITURE/
THOMAS BISTRITZ, : MONEY JUDGMENT
a/k/a "Damanda," : 21 Cr. 140 (PKC)

Defendant. :
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WHEREAS, on or about March 3, 2021, THOMAS BISTRITZ a/k/a "Damanda", (the "Defendant"), was charged in Information, 21 Cr. 140 (PKC) (the "Information"), with three counts of narcotics distribution, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(C); and Title 18, United States Code, Section 2 (Count One); and in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(B); and Title 18, United States Code, Section 2 (Counts Two and Three);

WHEREAS, the Information included a forfeiture allegation as to Counts One through Three of the Information, seeking forfeiture to the United States, pursuant to Title 21, United States Code, Section 853, of any and all property constituting, or derived from , any proceeds obtained, directly or indirectly, as a result of the offenses charged in Counts One through Three, and any and all property used, or intended to be used, in any manner or part, to commit, or facilitate the commission of the offenses charged in Counts One through Three of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts One through Three of the Information;

WHEREAS, on or about Sept. 24, 2021, the Defendant pled guilty to Counts One through Three of the Information, pursuant to a plea agreement with the Government, wherein the

Defendant admitted the forfeiture allegation with respect to Counts One through Three of the Information, and agreed to forfeit to the United States, pursuant to Title 21, United States Code, Section 853, a sum of money equal to \$1,800 in United States currency, representing any and all property constituting or derived from any proceeds the Defendant obtained directly or indirectly, as a result of the offenses charged in Counts One through Three of the Information, and any and all property used or intended to be used in any manner or part to commit, and to facilitate the commission of the offenses charged in Counts One through Three of the Information;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$1,800 in United States currency, representing the amount of proceeds traceable to the offenses charged in Counts One through Three of the Information that the Defendant personally obtained; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Counts One through Three of the Information that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Audrey Strauss, United States Attorney, Assistant United States Attorney, Jarrod L. Schaeffer of counsel, and the Defendant, and his counsel, Edward V. Sapone, Esq., that:

1. As a result of the offenses charged in Counts One through Three of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$1,800 in United States currency (the “Money Judgment”), representing the amount of proceeds traceable to the offenses charged in Counts One through Three of the Information that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, THOMAS BISTRITZ a/k/a “Damanda,” and shall be deemed part of the sentence of the Defendant and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to United States Customs and Border Protection, and delivered by mail to the United States Attorney’s Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew’s Plaza, New York, New York 10007 and shall indicate the Defendant’s name and case number.

4. Upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, and pursuant to Title 21, United States Code, Section 853, United States Customs and Border Protection, or its designee the Office of Fines, Penalties, and Forfeiture shall be authorized to deposit the payment on the Money Judgment in the Treasury Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney’s Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

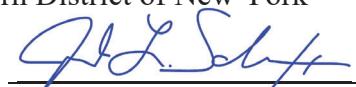
7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

AUDREY STRAUSS
United States Attorney for the
Southern District of New York

By:



JARROD L. SCHAEFFER
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2270

9/24/21

DATE

THOMAS BISTRITZ

By:

/s/ Thomas Bistritz
THOMAS BISTRITZ

September 24, 2021

DATE

By:



EDWARD V. SAPONE, ESQ.
Attorney for Defendant
40 Fulton Street, 17th Floor
New York, NY 10038

September 24, 2021

DATE

SO ORDERED:



HONORABLE P. KEVIN CASTEL
UNITED STATES DISTRICT JUDGE

9/24/2021

DATE